

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: SKS Land Company LLC  
P.O. Box 776  
Manhattan, MT 59741
2. Type of action: Application to Change a Water Right No. 41G 30072179  
(Beneficial Water Use Permit 41G 33238)
3. Water source name: Groundwater
4. Location affected by project: Section 33, T3N, R1E and Section 4, T2N, R1E,  
Broadwater County.
5. Narrative summary of the proposed project, purpose, action to be taken, and  
benefits:

The Applicant proposes to change a portion of the historic place of use for permit 41G 33238. The Applicant proposes to install two new pivots for sprinkler irrigation on 232.6 acres in Section 33, T3N, R1E, just north of the historic place of use. The historic irrigation occurred on 270 acres in Section 4, T2N, R1E, Broadwater County. The historic place of use has subdivision infrastructure and several residences have been constructed. The constructed residence use exempt well to provide water for domestic and lawn and garden irrigation.

The DNRC shall issue an Authorization to Change if the criteria in 85-2-402, MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

Montana Department of Natural Resources (DNRC) – Water Management Bureau,  
Groundwater Hydrologist, Russell Levens  
Montana Natural Heritage Program (MTNHP)  
Montana Department of Environmental Quality (TMDL listing 2006 303(d)(list))  
Montana Department of Fish, Wildlife & Parks (DFWP)(MFISH)  
United States Geological Survey (USGS)  
Natural Resources Conservation Service (NRCS) Web Soil Survey

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* No significant adverse impact.

The source of supply is groundwater and, therefore, not a chronically or periodically dewatered stream. The proposed change will result in less return flow to Mud Spring Gulch, but Mud Spring Gulch is not listed as a chronically or periodically dewatered stream. Also, due to the non-perennial nature of Mud Spring Gulch hydrology, the reduction in return flows will not likely result in an adverse effect.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* No significant adverse impact.

The proposed change will continue to utilize groundwater for irrigation, in a slightly different location. There will not be a change in existing water quality.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination:* No significant adverse impact to groundwater quality or supply.

The proposed change is only a change in place of use and will not be withdrawing more groundwater than has been historically used under permit 41G 33238.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination:* The historic means of diversion and the amount of water diverted will not be increased with the proposed project. The four existing groundwater wells will continue to be utilized for irrigation.

## **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

*Determination:* No significant adverse impact.

According to MTNHP there are 15 species of concern in the area. The following are the species of concern in the area: Great Blue Heron (*Ardea Herodias*), Ferruginous Hawk (*Buteo regalis*), Golden Eagle (*Aquila chrysaetos*), Long-billed Curlew (*Numenius americanus*), Burrowing Owl (*Athene cunicularia*), Pinyon Jay (*Gymnorhinus cyanocephalus*), Clark's Nutcracker (*Nucifraga Columbiana*), Veery (*Catharus fuscescens*), Sage Thrasher (*Oreoscoptes montanus*), Loggerhead Shrike (*Lanius ludovicianus*), Brewer's Sparrow (*Spizella breweri*), Bobolink (*Doichonyx oryzivorus*) and Greater Short-horned Lizard (*Phrynosoma hernandesi*).

Although the species of concern are located in close proximity to the project area, no significant adverse impacts are anticipated.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* This proposed project does not involve wetlands.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* This proposed project does not involve ponds.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

*Determination:* No significant adverse impact.

Per the NRCS Soil Survey, the project area consists of two major types of soil: Amesha loam and Musselshell-Cargo channery loams. The soils properties indicate nonsaline to very slight saline. The proposed new place of use was historically dry land farmed so the addition of the pivots will not adversely affect the soil stability and moisture.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

*Determination:* No significant adverse impact.

The place of use under the pivots will be frequently planted with crops which should limit noxious weeds from growing. The land owners are responsible for controlling any noxious weeds on the property.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* No significant adverse impact.

The pivots will be located in an area already used for dry land irrigation and should not cause a deterioration of air quality or cause adverse effects to vegetation.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination:* No significant adverse impact.

The proposed new place of use is not on State or Federal Lands.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No significant adverse impact.

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No significant adverse impact.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No significant adverse impact.

This project will not impact access to or the quality of recreational and wilderness activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* There will be no significant adverse impact to human health from the proposed project.

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

*Impacts on:*

- (a) Cultural uniqueness and diversity? No significant adverse impact.
- (b) Local and state tax base and tax revenues? No significant adverse impact.
- (c) Existing land uses? No significant adverse impact.
- (d) Quantity and distribution of employment? No significant adverse impact.
- (e) Distribution and density of population and housing? No significant adverse impact.
- (f) Demands for government services? No significant adverse impact.
- (g) Industrial and commercial activity? No significant adverse impact.
- (h) Utilities? No significant adverse impact.
- (i) Transportation? No significant adverse impact.
- (j) Safety? No significant adverse impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

**2. Secondary and cumulative impacts on the physical environment and human population:**

Secondary Impacts There have been no secondary impacts on the physical environment and human population identified at this time.

Cumulative Impacts There have been no cumulative impacts on the physical environment and human population identified at this time.

3. *Describe any mitigation/stipulation measures:* There is no mitigation involved with this proposed project. There have not been stipulation measures identified at this time.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*  
There does not appear to be a reasonable alternative to the proposed action. No action would dictate that the Applicant could not utilize nor change perfected permit 41G 33238.

*PART III. Conclusion*

1. *Preferred Alternative:* No preferred alternatives identified.
2. *Comments and Responses:* None at this time.
3. ***Finding:***  
Yes\_\_\_ No **X** *Based on the significance criteria evaluated in this EA, is an EIS required?*

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

An environmental assessment is the appropriate level of analysis because no significant adverse impacts were identified for the proposed project.

*Name of person(s) responsible for preparation of EA:*

*Name:* Jennifer Daly

*Title:* Water Resources Specialist, DNRC Helena Regional Office

*Date:* May 20, 2016